

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

(Kahului, Hawaii)

THE WACKENHUT CORPORATION

Employer

ROBERT G. HILL III, An Individual 1/

Petitioner

INTERNATIONAL UNION, SECURITY,
POLICE AND FIRE PROFESSIONALS
OF AMERICA (SPFPA) 2/

Union

37-RD-408

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 3/
3. The labor organization(s) involved claim(s) to represent certain employees of the Employer. 4/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 5/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 6/

All full-time and regular part-time security officers, including Law Enforcement Officers (LEO), Traffic Control Officers (TCO), Armed Security Officers (ASO), performing guard duties as defined in Section 9(b)(3) of the Act, as amended, employed by the Employer at the Kahului Airport, Hawaii, but excluding all other employees, including Contract Security Supervisors (CSS), clerical employees, professional employees and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated

payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **INTERNATIONAL UNION, SECURITY, POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA)**.

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. **Excelsior Underwear, Inc.**, 156 NLRB 1236 (1966); **NLRB. Wyman-Gordan Company**, 394 U.S. 759 (1969). Accordingly, it is hereby directed that with 7 days of the date of this Decision 3 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. **North Macon Health Care Facility**, 315 NLRB No. 50 (1994). In order to be timely filed, such list must be received in the Subregion 37 Office, 300 Ala Moana Boulevard, Room 7-245, Post Office Box 50208, Honolulu, Hawaii, on or before January 17, 2006. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW 7/

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, 1099-14th Street, NW, Washington, DC 20570-0001**. This request must be received by the Board in Washington by January 24, 2006.

Dated: January 10, 2006

at San Francisco, California

/s/ Joseph P. Norelli

Regional Director, Region 20

- 1/ The name of the Petitioner appears as described in the record of the hearing.
- 2/ The record contains the Certification of Representative issued in Case 30-RC-4055 where the Union was certified as the collective-bargaining representative of the unit. Accordingly, the name of the Union appears as described in the Certification of Representative in case 37-RC-4055.
- 3/ The parties stipulated, and the record reflects that the Employer is a Florida corporation engaged in the business of providing security services. During the 12 month period preceding the hearing, the Employer derived gross revenues in excess of \$1, 000,000 from the Federal Government and purchased and received goods and materials valued in excess of \$50,000 directly from suppliers outside the State of Florida. Based on the parties' stipulation to such facts, I find that the Employer is engaged in commerce and that it will effectuate the policies of the Act to assert jurisdiction herein.
- 4/ The parties stipulated, and I find, that the Union is a labor organization within the meaning of the Act.
- 5/ The parties stipulated, and I find, that there is no contract bar to this proceeding.
- 6/ As noted above, the record contains a copy of the Certification of Representative issued in Case 30-RC-4055 certifying the Union as the collective-bargaining representative of the unit. *The Board has long held that the appropriate unit in a decertification election must be coextensive with the certified or recognized unit. Campbell's Soup Co., 111 NLRB 234 (1955). Accordingly, the unit appears as described in the Certification of Representative issued in Case 37-RC-4055.* The record reflects that there are approximately 86 employees in the unit.
- 7/ In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, DC. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: www.nlr.gov.